

as follows: “The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, any lands, waters, or interests therein which are located within the boundaries of the preserve: *Provided*, That any lands owned or acquired by the State of Texas, or any of its political subdivisions, may be acquired by donation only.”

Subsecs. (d) and (e). Pub. L. 103-46, §2(b)(2), added subsecs. (d) and (e).

1984—Subsec. (c). Pub. L. 98-489 authorized acquisition of acreage for a visitor contact and administrative site outside the boundaries of the preserve.

#### SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-46, §1, July 1, 1993, 107 Stat. 229, provided that: “This Act [amending this section and section 698e of this title and enacting provisions set out as a note below] may be referred to as the ‘Big Thicket National Preserve Addition Act of 1993’.”

#### REPORTING REQUIREMENT

Pub. L. 104-333, div. I, title III, §306(d), Nov. 12, 1996, 110 Stat. 4132, as amended by Pub. L. 106-176, title I, §104(1), Mar. 10, 2000, 114 Stat. 25, provided that: “Not later than 6 months after the date of the enactment of this Act [Nov. 12, 1996] and every 6 months thereafter until the earlier of the consummation of the exchange or July 1, 1998, the Secretary of the Interior and the Secretary of Agriculture shall each submit a report to the Committee on Resources [now Committee on Natural Resources] of the House of Representatives and the Committee on Energy and Natural Resources of the Senate concerning the progress in consummating the land exchange authorized by the amendments made by the Big Thicket National Preserve Addition Act of 1993 (Public Law 103-46) [see Short Title of 1993 Amendment note above].”

#### LAND EXCHANGE

Pub. L. 104-333, div. I, title III, §306(e)-(g), Nov. 12, 1996, 110 Stat. 4132, as amended by Pub. L. 106-176, title I, §104(2), Mar. 10, 2000, 114 Stat. 25, provided that:

“(e) LAND EXCHANGE IN LIBERTY COUNTY, TEXAS.—If, within one year after the date of the enactment of this Act [Nov. 12, 1996]—

“(1) the owners of the private lands described in subsection (f)(1) offer to transfer all their right, title, and interest in and to such lands to the Secretary of the Interior, and

“(2) Liberty County, Texas, agrees to accept the transfer of the Federal lands described in subsection (f)(2),

the Secretary shall accept such offer of private lands and, in exchange and without additional consideration, transfer to Liberty County, Texas, all right, title, and interest of the United States in and to the Federal lands described in subsection (f)(2).

“(f) LANDS DESCRIBED.—

“(1) PRIVATE LANDS.—The private lands described in this paragraph are approximately 3.76 acres of lands located in Liberty County, Texas, as generally depicted on the map entitled ‘Big Thicket Lake Estates Access—Proposed’.

“(2) FEDERAL LANDS.—The Federal lands described in this paragraph are approximately 2.38 acres of lands located in the Menard Creek Corridor Unit of the Big Thicket National Preserve, as generally depicted on the map referred to in paragraph (1).

“(g) ADMINISTRATION OF LANDS ACQUIRED BY THE UNITED STATES.—The lands acquired by the Secretary under subsection (e) shall be added to and administered as part of the Menard Creek Corridor Unit of the Big Thicket National Preserve.”

#### PUBLICATION OF BOUNDARY DESCRIPTION

Pub. L. 103-46, §1, July 1, 1993, 107 Stat. 230, provided that: “Not later than six months after the date of enactment of this subsection [July 1, 1993], the Secretary

shall publish in the Federal Register a detailed description of the boundary of the Village Creek Corridor unit, the Big Sandy Corridor unit, and the Canyonlands unit of the Big Thicket National Preserve.”

### § 698a. Acquisition of property for Big Thicket Preserve

#### (a) Mineral rights; easements; improved properties

The Secretary shall, immediately after the publication of the boundaries of the preserve, commence negotiations for the acquisition of the lands located therein: *Provided*, That he shall not acquire the mineral estate in any property or existing easements for public utilities, pipelines or railroads without the consent of the owner unless, in his judgment, he first determines that such property or estate is subject to, or threatened with, uses which are, or would be, detrimental to the purposes and objectives of sections 698 to 698e of this title: *Provided further*, That the Secretary, insofar as is reasonably possible, may avoid the acquisition of improved properties, as defined in sections 698 to 698e of this title, and shall make every effort to minimize the acquisition of land where he finds it necessary to acquire properties containing improvements.

#### (b) Plan to Congressional committees; time; contents

Within one year after October 11, 1974, the Secretary shall submit, in writing, to the Committee<sup>1</sup> on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate:

(i) the lands and areas which he deems essential to the protection and public enjoyment of this preserve,

(ii) the lands which he has previously acquired by purchase, donation, exchange or transfer for administration for the purpose of this preserve, and

(iii) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

#### (c) Completion of land acquisition program; time

It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated by sections 698 to 698e of this title within six years after October 11, 1974.

(Pub. L. 93-439, §2, Oct. 11, 1974, 88 Stat. 1256.)

#### CHANGE OF NAME

Committee on Interior and Insular Affairs of the Senate abolished and replaced by Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of Standing Rules of the Senate, as amended by Senate Resolution No. 4 (popularly cited as the “Committee System Reorganization Amendments of 1977”), approved Feb. 4, 1977.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

<sup>1</sup> So in original. Probably should be “Committees”.

**§ 698b. Right of use and occupancy of improved property on Big Thicket Preserve**

**(a) Election of right of use and occupancy; payment of fair market value; termination of right**

The owner of an improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for non-commercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value, on that date, of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of sections 698 to 698e of this title, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

**(b) "Improved property" defined**

As used in sections 698 to 698e of this title, the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before July 1, 1973, which is used for noncommercial residential purposes, together with not to exceed three acres of land on which the dwelling is situated and together with such additional lands or interests therein as the Secretary deems to be reasonably necessary for access thereto, such lands being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

**(c) Waiver of right to relocation assistance by election of right of use and occupancy**

Whenever an owner of property elects to retain a right of use and occupancy as provided in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 4623, 4624, 4625, and 4626 of title 42, and for the purposes of such sections such owner shall not be considered a displaced person as defined in section 4601(6) of title 42.

(Pub. L. 93-439, § 3, Oct. 11, 1974, 88 Stat. 1256; Pub. L. 94-578, title III, § 322, Oct. 21, 1976, 90 Stat. 2742.)

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-578 substituted "detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and" for "detached, one-family dwelling."

**§ 698c. Administration of Big Thicket Preserve**

**(a) Natural and ecological integrity**

The area within the boundaries depicted on the map referred to in section 698 of this title shall be known as the Big Thicket National Preserve. Such lands shall be administered by the Secretary as a unit of the National Park System in a manner which will assure their natural and ecological integrity in perpetuity in accordance with the provisions of sections 698 to 698e of this title and with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4),<sup>1</sup> as amended and supplemented.

**(b) Limitation on construction of roads, campgrounds, etc.; rules and regulations for use of Federal lands and waters**

In the interest of maintaining the ecological integrity of the preserve, the Secretary shall limit the construction of roads, vehicular campgrounds, employee housing, and other public use and administrative facilities and he shall promulgate and publish such rules and regulations in the Federal Register as he deems necessary and appropriate to limit and control the use of, and activities on, Federal lands and waters with respect to:

- (1) motorized land and water vehicles;
- (2) exploration for, and extraction of, oil, gas, and other minerals;
- (3) new construction of any kind;
- (4) grazing and agriculture; and
- (5) such other uses as the Secretary determines must be limited or controlled in order to carry out the purposes of sections 698 to 698e of this title.

**(c) Hunting, fishing, and trapping authorized in accordance with applicable Federal and State laws; consultation with appropriate State agency prior to implementation of regulations restricting activities**

The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the preserve in accordance with the applicable laws of the United States and the State of Texas, except that he may designate zones where and periods when, no hunting, fishing, trapping, or entry may be permitted for reasons of public safety, administration, floral and faunal protection and management, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating to hunting, fishing, or trapping shall be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting, fishing and trapping activities.

(Pub. L. 93-439, § 4, Oct. 11, 1974, 88 Stat. 1257.)

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), referred to in subsec. (a), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Proce-

<sup>1</sup> See References in Text note below.